

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC. and SPRINT  
CORP.,

*Defendants.*

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CASE NO. 2:23-CV-00379-JRG-RSP  
(LEAD CASE)


**ORDER**

Defendants T-Mobile USA, Inc. and Sprint Corp. (collectively, “Defendants”) previously filed a Motion for Partial Summary Judgment that Headwater’s Damages are Limited by 35 U.S.C. 287 (the “Motion”). (Dkt. No. 183.) Magistrate Judge Payne entered a Report and Recommendation recommending granting T-Mobile and Sprint’s Motion with respect to Plaintiff Headwater Research LLC (“Plaintiff”) not having given pre-suit actual notice to Defendants, but otherwise recommending denying the Motion. (Dkt. No. 310.) T-Mobile and Sprint have now filed Objections (Dkt. No. 333), with Plaintiff filing a Response (Dkt. No. 343).

After conducting a *de novo* review of the briefing on the Motion for Partial Summary Judgment that Headwater's Damages are Limited by 35 U.S.C. 287, the Report and Recommendation, and the briefing on T-Mobile and Sprint’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was clearly erroneous. Consequently, the Court **OVERRULES** T-Mobile and Sprint’s Objections, **ADOPTS** the Report and Recommendation, and **ORDERS** that the Motion for Partial Summary Judgment that Headwater’s

Damages are Limited by 35 U.S.C. 287 (Dkt. No. 183) is **GRANTED** as to Plaintiff not having given pre-suit actual notice to Defendants, but is otherwise **DENIED**.

**So ORDERED and SIGNED this 24th day of July, 2025.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE